

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KERMIT WEST,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-438-JJF
)	
THOMAS L. CARROLL,)	
Warden,)	
Respondent.)	

O R D E R

WHEREAS, you have filed a form petition for federal habeas corpus relief pursuant to 28 U.S.C. § 2254 and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915; and

WHEREAS, based on the information in your affidavit, your request to proceed in forma pauperis is granted; and

WHEREAS, the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2244, effectively precludes petitioners from filing a second or subsequent habeas petition except in the most unusual of circumstances; and

WHEREAS, the United States Court of Appeals for the Third Circuit has mandated that, before ruling on the merits of your petition, you must be given notice that the AEDPA applies to your pending petition, see United States v. Miller, 197 F.3d 644

(3d Cir. 1999) and Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000).

NOW, THEREFORE, IT IS ORDERED this 11 day of July, 2005, that, on or before SEPT. 2, 2005, you must file with the Court, the attached election form. Failure to timely return the completed election form will result in the Court's ruling on your pending petition as filed.


United States District Judge